



JOHN J. GIBBONS FELLOWSHIP IN
PUBLIC INTEREST & CONSTITUTIONAL LAW

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April 29, 2025

Via CM/ECF

Honorable Katharine S. Hayden, U.S.D.J.
United States District Court
District of New Jersey
Frank R. Lautenberg Post Office and U.S. Courthouse
2 Federal Square, Courtroom 9
Newark, New Jersey 07102

Re: Student Doe #1, et al. v. Noem, et al., Dkt. No. 25-cv-2998 (KSH) (AME)

Dear Judge Hayden:

We write in response to the Court's text order dated April 28, 2025, ECF No. 21, directing the parties to confer and submit a proposed order to the Court no later than 12:00 today. This morning at approximately 9:00 a.m., we sent the attached proposed order to the Government. At 11:00 a.m., we met and conferred with counsel for Defendants, who represented that their clients cannot agree to extend the existing temporary restraints in this Court's text order dated April 23, 2025, ECF No. 10, and also cannot agree to any of the proposed temporary restraints in our draft order. Accordingly, all parties are prepared to appear in person this afternoon at 3:00 p.m.

In order to ground our discussion at this afternoon's hearing, we are sharing with the Court the proposed language we shared with the Government. If Your Honor has any questions or requires further information, please do not hesitate to contact me.

Respectfully submitted,

/s/ Lawrence S. Lustberg

Lawrence S. Lustberg

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cc: All Counsel of Record (via CM/ECF)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Student DOE #1, Student DOE #2, Student DOE #3, Student DOE #4, Student DOE #5, and Student DOE #6,

Plaintiffs,

v.

Kristi NOEM, in her official capacity as Secretary of the United States Department of Homeland Security, Todd LYONS, Acting Director, U.S. Immigration and Customs Enforcement, Ricky J. PATEL, in his official capacity as Newark Special Agent in Charge, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, and John TSOUKARIS, in his official capacity as Newark Field Office Director, Enforcement and Removal Operation, U.S. Immigration and Customs Enforcement,

Defendants.

Case No. 2:25-cv-2998-KSH-AME

[PROPOSED] ORDER

This matter having come before the Court the application of plaintiffs Student Doe #1, et al., for a Temporary Restraining Order, and the Court having considered the submissions of the parties and having conducted a status conference on April 28, 2025, and the parties having agreed to the form and entry of this Order, and for good cause shown

IT IS on this 29th day of April, 2025, ORDERED as follows:

1. The Court's April 23, 2025 order D.E. [10] that "[p]ending further order of the Court, defendants are enjoined from transferring plaintiffs out of this Court's jurisdiction, or taking them into custody, or arresting or detaining them" remains in effect.

2. Defendants shall immediately (i.e., within 72 hours) restore Plaintiffs' SEVIS records to the *status quo ante* striking all text within SEVIS that refers that refers to the erroneous termination of Plaintiffs' records;
3. Pending further order of the Court, Defendants shall not directly or indirectly enforce, implement, or otherwise impose any consequences arising out of any decision by Defendants to terminate Plaintiffs' SEVIS records or F-1 status, without at least 30 days' written notice to the Court and to the Plaintiffs and their counsel;
4. Defendants shall retain the authority to terminate SEVIS records for other lawful reasons, such as if Plaintiffs fail to maintain their nonimmigrant status after their record is reactivated or engages in such unlawful activity as would render them removable from the United States under the Immigration and Naturalization Act, *provided however*, that pending further order of the Court, Defendants shall not terminate Plaintiffs' SEVIS records, F-1 status, or F-1 visas, without providing at least 30 days' notice to the Plaintiffs and their counsel so that they may make any appropriate application to the Court;
5. If and when Defendants develop a "policy for SEVIS termination," Plaintiffs shall have the opportunity, within 14 days of receiving notice thereof, to amend their complaint accordingly to address that policy, if applicable to them;
6. [ADD PROPOSED BRIEFING SCHEDULE?]

This Order shall take effect immediately upon entry and shall remain in effect until further order of the Court.

Dated: _____

Honorable Katharine S. Hayden
United States District Judge